

Message Text

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ACTION EUR-12

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E.O. 11652: N/A

TAGS: ETRD, GATT, EEC

SUBJECT: SEPTEMBER 17 GATT COUNCIL MEETING: EC VIEWS ON ITALIAN
SCHEME AND NFDM PANEL

1. IN CONVERSATIONS WITH COMMISSION AND MEMBER STATE SOURCES,
MISSION LEARNED THAT THERE WAS A GENERAL DISCUSSION IN
SEPTEMBER 14 ARTICLE 113 COMMITTEE MEETING ON BOTH THE ITALIAN
PRIOR DEPOSIT SCHEME AND THE US REQUEST FOR A PANEL ON THE
COMMUNITY'S NFDM PROGRAM. IN BOTH CASES, THE EC DELEGATION IN
GENEVA WAS ALLOTTED WIDE TACTICAL AUTHORITY.

2. ITALIAN PRIOR DEPOSIT SCHEME: ARTICLE 113 COMMITTEE AGREED
THAT IT WAS APPROPRIATE FOR GATT TO EXAMINE FURTHER THE
ITALIAN SCHEME. THERE WAS APPARENTLY SOME SUPPORT (COMMISSION
AND FRG AT LEAST) FOR CONSIDERATION IN THE BOP COMMITTEE; THE
ITALIANS REPORTEDLY ARGUED AGAINST FURTHER GATT EXAMINATION.
OUR UNDERSTANDING OF OUTCOME IS THAT EC DEL GENEVA HAS BEEN
GIVEN DISCRETION TO AGREE TO EITHER BOP OR WORKING PARTY
CONSIDERATION, IN CONSULTATION WITH ITALIAN REPRESENTATION IN
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GENEVA. WE ESTIMATE THAT MOST LIKELY RESULT WILL BE

EVENTUAL EC AGREEMENT TO CREATION OF SPECIAL WORKING PARTY.

3. NFDM PANEL: IN ARTICLE 113 DISCUSSION, GENERAL AGREEMENT EMERGED THAT EC HAD NOTHING TO HIDE ON NFDM PROGRAM AND THAT, THEREFORE, THERE WAS NO REASON TO OPPOSE CREATION PANEL AS REQUESTED BY THE US. THERE WAS NO DISCUSSION OF TERMS OF REFERENCE FOR SUCH A PANEL; COMMISSION SOURCE INDICATED THAT EC DEL GENEVA WOULD BE GIVEN LATITUDE TO REACH AGREEMENT WITH US AND OTHER INTERESTED PARTIES ON TERMS OF REFERENCE. FOLLOWING RECEIPT OF STATE 228024, MISSION AGAIN CONTACTED COMMISSION (GATT DIRECTOR PHAN VAN PHI) TO DELIVER TEXT OF PROPOSED TERMS OF REFERENCE CONTAINED IN THAT CABLE. PHAN VAN PHI STATED THAT, AS REPORTED ABOVE, EC DEL HAD BEEN GIVEN RESPONSIBILITY FOR ACCEPTING TERMS OF REFERENCE; ACCORDINGLY HE RECOMMENDED THAT OUR TWO DELEGATIONS IN GENEVA GO OVER TERMS OF REFERENCE. HE NOTED, HOWEVER, THAT PROPOSED TERMS OF REFERENCE APPEARED TO BE A DEPARTURE FROM NORMAL GATT PRACTICE WHICH, IN HIS EXPERIENCE, SOUGHT NEUTRAL FORMULATION OF TERMS OF REFERENCE I.E. EMPHASIZED THE PROBLEM OR PROGRAM IN QUESTION MORE THAN THE COMPLIANT BROUGHT AGAINST IT. HINTON

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